



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,527	11/13/2003	Samuel Zellner	000000-0000US	8670

24341 7590 03/17/2008  
MORGAN, LEWIS & BOCKIUS, LLP.  
2 PALO ALTO SQUARE  
3000 EL CAMINO REAL  
PALO ALTO, CA 94306

EXAMINER
----------

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
----------	--------------

2143

MAIL DATE	DELIVERY MODE
-----------	---------------

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,527	<b>Applicant(s)</b> ZELLNER, SAMUEL	
	<b>Examiner</b> Phuoc H. Nguyen	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on November 13, 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsui et al. (Hereafter, Matsui) U.S. Pub. No. 2002/0019817.

Re claim 1, Matsui discloses a method for validating users of communications services (e.g. Figure 3), comprising: generating records for communications service users by at least one service provider, said records store information relating to said communications service users including: legal liability information (e.g. user information); an originator type code (e.g. user code or user account information); and a validation code (e.g. password) assigned to selected originator type codes, said validation code operable for facilitating validation of said communications service users (e.g. page 2 paragraph 0032 and page 3 paragraph 0034); and storing said records in a subscriber classification database (e.g. Figure 1, database 6); wherein said originator type code classifies said communications service users according to at least one of: nature of use; communications type; geography; business type; and age (e.g. Figure 2).

Re claim 2, Matsui further discloses receiving a communication from an originating communications service user and retrieving an associated record, if said associated record contains said validation code, appending said originator type code to said communication (e.g.

Figure 3, validating the user account); transmitting said communication to a recipient communications service user (e.g. Figure 1, Company a-c) along with said originator type code, wherein said originator type code is presented to said recipient communications service user before establishing a communication session with said originating communications service user (e.g. page 4 paragraphs 0048 and 0050-0051; user data is provided to a company).

Re claim 3, Matsui further discloses certifying said at least one service provider responsible for validating said users of communications services, said certifying comprising sharing validation information in said records with at least: a service provider associated with an originating communications service user; and a service provider associated with a recipient communications service user (e.g. page 4 paragraph 0051).

Re claim 4, Matsui further discloses nature of use classification comprises at least one of: consumer use; business use; telemarketing use; and undefined use; wherein assigning said undefined use classification to a record associated with a communications service user results in suppressing validation of said communication transmitted by said communications service user (e.g. Figure 1, user information database).

Re claim 5, Matsui further discloses validation code is associated with a routing address of said communications service user (e.g. Figure 3).

Claim 6 list all the same elements of claim 1, but in storage medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 6.

Claim 7 list all the same elements of claim 2, but in storage medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 2 applies equally as well to claim 7.

Claim 8 list all the same elements of claim 3, but in storage medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 3 applies equally as well to claim 8.

Claim 9 list all the same elements of claim 4, but in storage medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 4 applies equally as well to claim 9.

Claim 10 list all the same elements of claim 5, but in storage medium form rather than method form. Therefore, the supporting rationale of the rejection to claim 5 applies equally as well to claim 10.

Claim 11, Matsui discloses a system for validating users of communications services, comprising: an originating communications device in communication with a first service provider (e.g. Figure 1, user 3 communicates with ISP 2); a recipient communications device in communication with a second service provider, said second service provider in communication with said first service provider via a communications network (e.g. Figure 1; company communicates to it service provider in order to communicate with the user service provider); and a certified communications system executing over said communications network, said certified communications system comprising: a subscriber classification database storing records of said users of communications devices (e.g. page 4 paragraph 0051), said records storing information relating to said communications device users including: legal liability information; an originator

Art Unit: 2143

type code comprising at least one of: nature of use; communications type; business type; geography; and age (e.g. Figure 2); and a validation code assigned to selected originator type codes, said validation code operable for facilitating validation of said communications device users (e.g. page 2 paragraph 0032 and page 3 paragraph 0034); wherein said certified communications system performs: receiving a communication from an originating communications device user by said first service provider and retrieving an associated record, if said associated record contains said validation code, appending said originator type code to said communication; and transmitting said communication to a recipient communications device user via said second service provider along with said originator type code (e.g. page 4 paragraph 0051).

Re claim 12, Matsui further disclose validation code includes at least one of: a symbol; a letter; a word; a picture; and a sound; wherein said validation code indicates that said originating communications device user is validated; and wherein further, said originating communications device user is accountable for said communication via said legal liability information (e.g. Figure 3).

Re claim 13, Matsui further discloses communications network includes at least one of: a point-to-point network; a point-to-multipoint communications network; a public switched telephone network; a wireless network; a short messaging system network; a WiFi network; a local area network; a wide area network an Internet network; a broadcast network; a radio network; and a voice over Internet protocol network (e.g. page 2 paragraph 0030).

Re claim 14, Matsui further discloses records comprise business rules operable for filtering communications transmissions addressed to said recipient communications device user,

said filtering based upon at least one of: said originator type code; a user name of said originating communications device user; and an exception report; wherein said exception report specifies exceptions to said business rules (e.g. Figure 4; page 3 paragraph 0041).

Re claim 14, Matsui further discloses at least one service provider is certified to validate said users of communications devices, wherein certification comprises: maintaining a database of certified service providers by a centralized entity, and sharing validation information in said records with at least: said service provider associated with said originating communications device user, and said service provider associated with said recipient communications device user (e.g. page 4 paragraph 0051).

Re claim 16, Matsui discloses a communication device for validating a sender of a communication, said communications device in communication with a service provider via a network, said communications device (e.g. Figure 3) comprising: a communication initiated by an originating communications device, a means for assigning a purpose to said communication (e.g. user communicates with service provider, Figure 3; page 3 paragraphs 0040-0041); and a means for conveying a validation status associated with said communication, said validation status comprising at least one of: valid; and invalid wherein said validation status is operable for assigning accountability to a sender of said communication (e.g. Figure 3, validating the user accountability for accessing the system; page 4 paragraph 0046).

Re claim 17, Matsui further discloses a means for conveying said purpose and said validation status to a recipient communications device before establishing a communications session between said originating communications device and said recipient communications device (e.g. Figure 3; page 4 paragraphs 0048 and 0050-0051).

***Allowable Subject Matter***

3. Claims 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hood et al. U.S. Pub. No. 2002/0169836

Ziskind et al. U.S. Pub. No. 2002/0073343

Haste, III U.S. Pat. 6,665,389

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuoc H Nguyen/  
Primary Examiner, Art Unit 2143

February 26, 2008